

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION
	:	No. 14-323-7
MICHAEL LEWIS	:	

McHUGH, J.

February 28, 2023

MEMORANDUM

Petitioner Michael Lewis pleaded guilty to a series of drug offenses for which he is currently serving a sentence at FCI Fort Dix. For a second time, he moves for compassionate release under 18 U.S.C. §3582 (c)(1)(A) (i). The statute requires “extraordinary and compelling reasons” to grant release, and circumstances have not materially changed since I denied his previous motion on January 29, 2021. Accordingly, the motion now pending will also be denied.

Mr. Lewis, now age 39, received a kidney transplant in 2006. In his previous motion he contended that he is immunosuppressed and therefore at greater risk of infection from COVID-19. My review of the record did not show that he was currently receiving any immunosuppressive medications, and other than slightly elevated weight, had no other risk factors. He now cites a relatively recent medical article, “COVID-19 in Kidney Transplant Recipients: A Multicenter Experience from the First Two Waves of Pandemic,” Demir, E., Ucar, Z.A., Dheir, H. et al. *BMC Nephrol* 23, 183 (2022), as support for his contention that he is at an increased risk. I have reviewed the article closely, and the most that can be said is that certain subsets of transplant patients may experience increased risk based upon the population surveyed. But it is far from clear that someone of Mr. Lewis’ age and condition would fall within such a cohort. The patients at most significant risk were those with a serious co-morbidity and those who remained immunosuppressed, and

neither description applies to Mr. Lewis. Moreover, none of the patients studied had received a transplant as long ago as Mr. Lewis.

Mr. Lewis has received two doses of the Pfizer vaccine, and booster doses remain available in federal correctional institutions. He points to nothing in his medical records that suggest a significant change in his condition, and although the Government has not submitted the institution's medical records, it represents that upon its review he remains stable and generally in good health. At the present time, the Bureau of Prisons reports only four positive cases at Fort Dix.¹

As set forth in my earlier memorandum denying relief, an analysis of the factors set forth in 18 U.S.C. §3553(a) also weigh against release. Mr. Lewis' offenses are serious, and he has served only about sixty percent of his sentence. The fact remains that he has two prior drug-related offenses and pleaded guilty to involvement in a sexual assault of a 15-year-old girl. The need to promote respect for law, impose adequate punishment, and deter him from future crimes would be undermined by release at this point.

An appropriate order follows.

s/Gerald Austin McHugh
United States District Judge

¹ https://www.bop.gov/coronavirus/covid19_statistics.html (Last accessed 2/27/2023)